

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-00331-FDW-DCK

JOSE HERNANDEZ ARGUETA and)

MARIA TERESA VARGAS PALMA,)

)

Plaintiffs,)

)

vs.)

ORDER

)

UR MENDOZA JADDOU and ROXROY)

COLLINS,)

)

Defendants.)

)

)

THIS MATTER is before the Court following Plaintiffs' failure to show cause why the complaint against Defendants should not be dismissed for failure to prosecute. This Court previously entered a show cause order directing Plaintiffs to SHOW CAUSE by December 5, 2022, why service was not completed within the required time limit, and why Plaintiffs' claims should not be dismissed. See (Doc. No. 3). Plaintiff was cautioned that failure to timely respond would result in dismissal of the complaint against Defendants for failure to prosecute. Id. Neither Plaintiffs nor their counsel filed any response, and the time for doing so has expired. Further, to date, Plaintiffs have not submitted any pleadings or taken any action in prosecution of this case beyond filing the complaint on July 22, 2022. It therefore appears that Plaintiffs—and their counsel—have abandoned this action.¹

¹ The Court is particularly troubled that Plaintiffs' counsel did not respond to the Show Cause Order. If service had not been timely completed, an appropriate response could have included a request for additional time or a voluntary dismissal pursuant to Fed. R. Civ. P. 41(a). If a change in representation had occurred, counsel should have filed a

IT IS THEREFORE ORDERED that for the reasons stated in the Show Cause Order, (Doc. No. 3), as well as Plaintiffs' failure to timely respond to that Order, this matter is DISMISSED WITHOUT PREJUDICE. The CLERK OF COURT is directed to CLOSE THE CASE.

IT IS SO ORDERED.



Frank D. Whitney
United States District Judge



Signed: December 8, 2022

Motion to Withdraw. Complete silence in response to an order of this Court is concerning, and counsel is cautioned to take any necessary steps in the future to comply with similar directives or the Court may not be so lenient in excusing counsel's non-response.